

By: Representative Fleming

To: Judiciary En Banc

HOUSE BILL NO. 268

1 AN ACT TO AMEND SECTIONS 99-19-51 AND 99-19-55, MISSISSIPPI
2 CODE OF 1972, TO REMOVE THE REQUIREMENT THAT LICENSED PHYSICIANS
3 PARTICIPATE IN ADMINISTERING AN EXECUTION; AND FOR RELATED
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 99-19-51, Mississippi Code of 1972, is
7 amended as follows:

8 99-19-51. The manner of inflicting the punishment of death
9 shall be by continuous intravenous administration of a lethal
10 quantity of an ultra short-acting barbiturate or other similar
11 drug in combination with a chemical paralytic agent until death is
12 pronounced by the county coroner where the execution takes
13 place * * *.

14 **SECTION 2.** Section 99-19-55, Mississippi Code of 1972, is
15 amended as follows:

16 99-19-55. (1) Whenever any person shall be condemned to
17 suffer death for any crime for which such person shall have been
18 convicted in any court of any county of this state, such
19 punishment shall be inflicted at 6:00 p.m. or as soon as possible
20 thereafter within the next twenty-four (24) hours at an
21 appropriate place designated by the Commissioner of Corrections on
22 the premises of the Mississippi State Penitentiary at Parchman,
23 Mississippi. All male persons convicted of a capital offense
24 wherein the death sentence has been imposed shall be immediately
25 committed to the Department of Corrections and transported to the
26 maximum security cell block at the Mississippi State Penitentiary
27 at Parchman, Mississippi. When the maximum inmate capacity at
28 such maximum security cell block has been reached, the

29 Commissioner of Corrections shall place such male convicts in an
30 appropriate facility on the grounds of the Mississippi State
31 Penitentiary at Parchman, Mississippi. All female persons
32 convicted of a capital offense wherein the death sentence has been
33 imposed shall be immediately committed to the Department of
34 Corrections and housed in an appropriate facility designated by
35 the Commissioner of Corrections. Upon final affirmance of the
36 conviction, the punishment shall be imposed in the manner provided
37 by law. The State Executioner or his duly authorized deputy shall
38 supervise and perform such execution.

39 (2) When a person is sentenced to suffer death in the manner
40 provided by law, it shall be the duty of the clerk of the court to
41 deliver forthwith to the Commissioner of Corrections a warrant for
42 the execution of the condemned person. It shall be the duty of
43 the commissioner forthwith to notify the State Executioner of the
44 date of the execution and it shall be the duty of the said State
45 Executioner, or any person deputized by him in writing, in the
46 event of his physical disability, as hereinafter provided, to be
47 present at such execution, to perform the same, and have general
48 supervision over said execution. In addition to the above
49 designated persons, the Commissioner of Corrections shall secure
50 the presence at such execution of the sheriff, or his deputy, of
51 the county of conviction, * * * the county coroner where the
52 execution takes place, and bona fide members of the press, not to
53 exceed eight (8) in number, and at the request of the condemned,
54 such ministers of the gospel, not exceeding two (2), as said
55 condemned person shall name. The Commissioner of Corrections
56 shall also name to be present at the execution such officers or
57 guards as may be deemed by him to be necessary to insure proper
58 security. No other persons shall be permitted to witness the
59 execution, except the commissioner may permit two (2) members of
60 the condemned person's immediate family as witnesses, if they so
61 request and two (2) members of the victim's immediate family as

62 witnesses, if they so request. Provided further, that the
63 Governor may, for good cause shown, permit two (2) additional
64 persons of good and reputable character to witness an execution.
65 No person shall be allowed to take photographs or other recordings
66 of any type during the execution. The absence of the sheriff, or
67 deputy, after due notice to attend, shall not delay the execution.

68 (3) The State Executioner, or his duly authorized
69 representative, the Commissioner of Corrections, or his duly
70 authorized representative, and the * * * county coroner who
71 witnessed such execution shall prepare and sign officially a
72 certificate setting forth the time and place thereof and that such
73 criminal was then and there executed in conformity to the sentence
74 of the court and the provisions of Sections 99-19-51 through
75 99-19-55, and shall procure the signatures of the other public
76 officers and persons who witnessed such execution, which
77 certificate shall be filed with the clerk of the court where the
78 conviction of the criminal was had, and the clerk shall subjoin
79 the certificate to the record of the conviction and sentence.

80 (4) The body of the person so executed shall be released
81 immediately by the State Executioner, or his duly authorized
82 representative, to the relatives of the dead person, or to such
83 friends as may claim the body. The Commissioner of Corrections
84 shall have sole charge of burial in the event the body is not
85 claimed as aforesaid, and his discretion in the premises shall be
86 final. The Commissioner may donate the unclaimed body of an
87 executed person to the University of Mississippi Medical Center
88 for scientific purposes. The county of conviction shall bear the
89 reasonable expense of burial in the event the body is not claimed
90 by relatives or friends or donated to the University of
91 Mississippi Medical Center.

92 **SECTION 3.** This act shall take effect and be in force from
93 and after July 1, 2007.